

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 1866 - SB 1950**

February 17, 2018

**SUMMARY OF BILL:** Requires anyone convicted or pleading guilty to aggravated assault committed against a civil service employee (e.g., law enforcement officer or firefighter) to serve no less than 48 hours in a county jail or workhouse.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$16,100 Incarceration\***

**Increase Local Expenditures – \$2,300 Incarceration\*\***

Assumptions:

- Tennessee Code Annotated § 39-13-102(e)(1)(B) sets a maximum fine of \$15,000 for any aggravated assault committed against a civil service employee. The proposed legislation would add a mandatory 48-hour period of confinement for these assaults committed under Tenn. Code Ann. § 39-13-102(a)(1)(A), (a)(1)(B), (c), or (d).
- Aggravated assaults committed under Tenn. Code Ann. § 39-13-102(a)(1)(A), (a)(1)(B), (c), or (d) are punished as a class A misdemeanor, a class C felony, or a class D felony.
- Statistics from the Administrative Office of the Courts show an average of 2,471.6 convictions per year over the last five years for class C felony aggravated assault.
- The proposed legislation requires the offenders to serve the 48 hour confinement in a local jail or workhouse. The Department of Correction (DOC) will reimburse local jails for these two days. The average reimbursement rate to local jails is \$49.83 per day.
- Statistics from the DOC show an average of 995 admissions per year over the last five years for class C felony aggravated assault.
- Approximately 1,477 convictions (2,471.6 – 995) per year do not result in the offender serving a period of confinement. Of these, 10 percent, or 148 convictions (1,477 x 0.1), involve the assault of a civil service employee.
- The proposed legislation will increase state incarceration costs by \$14,750 (148 convictions x 2 days x \$49.83 per day).
- Statistics from the Administrative Office of the Courts show an average of 238.8 convictions per year over the last five years for class D felony aggravated assault.
- Statistics from the DOC show an average of 103 admissions per year over the last five years for class D felony aggravated assault.

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- Approximately 136 convictions (238.8 – 103) per year do not result in the offender serving a period of confinement. Of these, 10 percent, or 14 convictions (136 x 0.1), involve the assault of a civil service employee.
- The proposed legislation will increase state incarceration costs by \$1,395 (14 convictions x 2 days x \$49.83 per day).
- Statistics from the Administrative Office of the Courts show an average of 17.6 convictions per year over the last five years for class A misdemeanor aggravated assault.
- These statistics represent convictions at the state court level. It is assumed that only 10 percent of misdemeanor convictions are at the state court level. It is assumed that there are a total of 176 convictions (17.6 / 10%) per year for violations of Tenn. Code Ann. § 39-13-102(d).
- Of these, 10 percent, or 18 convictions (176 x 0.1), involve the assault of a civil service employee.
- Local jails will bear the fiscal responsibility for these misdemeanants. The estimated 2018 cost per inmate per day for local jails is \$63.00.
- The proposed legislation will increase local incarceration costs by \$2,268 (18 convictions x 2 days x \$63 per day).
- The proposed legislation will increase state incarceration costs by a total of \$16,145 (\$14,750 + \$1,395).
- The proposed legislation will not increase the caseloads of the courts, public defenders, or district attorneys. Any impact to their operations can be accommodated within existing resources.

*\*Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

*\*\*Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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